



WEB COPY



W.P.No.17024 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17024 of 2023
and
W.M.P.No.16213 of 2023

M.Chandrasekaran

... Petitioner

Vs.

1. The District Collector,
Salem district, Salem.
2. The Land Acquisition Officer (Highways),
District Revenue Officer,
Collectorate Office, Salem.
3. The Tahsildar,
Salem East Taluk,
Salem district.
4. The Assistant Divisional Engineer,
Highways Department (Projects),
Salem.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents to properly measure and identify the acquired portion of the land in T.S. No.20 and 21, Town Survey Ward AF, Block No.1, Salem Town, in



W.P.No.17024 of 2023

presence of the Writ petitioner and issue separate patta for the remaining property of the petitioner.

For Petitioner : Ms.Ashwini Vaidialingam

For Respondents :
(for R1 to R4) : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The relief sought in the present writ petition is to direct the respondents to properly measure and identify the acquired portion of the land in T.S. No.20 and 21, Town Survey Ward AF, Block No.1, Salem Town, in presence of the Writ petitioner and issue separate patta for the remaining property of the petitioner.

2.The learned counsel for the petitioner mainly contended that there is no dispute regarding the acquisition of the property from the petitioner. The land belonging to the petitioner was acquired and a compensation amount of Rs.17,00,53,711/- was settled in his favour. However, the petitioner states that the land has not been properly measured and therefore, he is not in a position to handover the acquired portion. Thus, the petitioner is constrained to move the present writ petition.



W.P.No.17024 of 2023

WEB COPY

3.The learned Additional Government Pleader, based on the written communication given by the respondents through electronic mode, stated the current status of the project which is extracted as under:

“The Land Owners M.Chandrasekaran, S/O.Muthukaruppapillai. No.8a. Sankaralayam road, Salem-1 has filed WP.No.6094/2018. W.P.No.6095/2018, in the Hon'ble High Court of Madras in the year 2018 and got dismissed in 2018 itself. Agreement of this work was executed on 11.05.2018 but due to delay in completion of Land Acquisition process and the work was suspended more than two years. The ROB construction work has been commenced in the year 2021. This work was Revised Administratively Sanctioned for Rs.92.40 Crores vide G.O(Ms) No.150 Highways & Minor Ports (HP1) Department Dated.30.11.2020. (For increase in Land Acquisition Compensation Amount). As such the District Revenue Officer cum Land Acquisition Officer, Salem, has passed the Final Award as per the Central Act 2013 on 30.04.2021 for an award amount of 57.39 Crores including Petitioners area. The Petitioner was awarded for an amount of Rs.17,00,53,711/- in the total award amount of 57.39 Crores. Eviction Notices were issued on 22.07.2021 for the land owners including petitioners. Now the ROB bridge work was



WEB COPY



W.P.No.17024 of 2023

in progress in the acquired portion and 80% of the work (Out of 23 deck slabs 15 Deck slabs) got completed and in the Railway Portion Deck Slab work nearing completion. But the some portion of the land was not cleared by the petitioner intentionally delay the ROB work in the Approach Portion in the Attur side ROB for more than one year. Due to delay in completion of the ROB, the general public has encountered severe traffic congestion, various accidents inviting widespread criticism from the general public and Media. Also various representations has been given by the General public to complete the ROB as soon as possible to avoid hardship to the commuters and to avert accidents. In this Circumstances the ROB planned to open for traffic on 31.10.2023 by the District Administration. Hence this Writ Petition should be dismissed according to the Law.”

4.Relying on the written instructions from the respondents, the learned Additional Government Pleader reiterated that the petitioner is unnecessarily attempting to stall the project. Almost 80% of the project has already been completed and the petitioner has to vacate and handover his part of land for the purpose of completion of the project.

5.The authorities have already measured the acquired land and settled the compensation. Thus, there is no impediment for the authorities



W.P.No.17024 of 2023

to clear the acquired land which stands in the name of the Government.

Once the land is measured, acquired and the compensation is settled, the authorities competent are empowered to remove the obstructions and proceed with the project in the interest of the public. In the event of any delay, it would cause escalation of cost and therefore, the authorities shall not delay the project on account of mere objections raised in respect of the acquired land. Therefore, the respondents are at liberty to proceed in accordance with the measurement taken and complete the projects.

6.The learned counsel for the petitioner made a submission that the petitioner is willing to cooperate for the completion of project and vacate the portion acquired.

7.With these observations, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)

08.06.2023

Index : Yes

Speaking Order

Neutral Citation : Yes



W.P.No.17024 of 2023

To
WEB COPY

1. The District Collector,
Salem district, Salem.
2. The Land Acquisition Officer (Highways),
District Revenue Officer,
Collectorate Office, Salem.
3. The Tahsildar,
Salem East Taluk,
Salem district.
4. The Assistant Divisional Engineer,
Highways Department (Projects),
Salem.



WEB COPY



W.P.No.17024 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.17024 of 2023

08.06.2023